THE HONOURABLE SRI JUSTICE
GODA RAGHURAM
AND
THE HONOURABLE SRI JUSTICE
S.ANANDA REDDY

WRIT PETITION No. 5700 of 2003

Dated: 19-9-2007

Between:

Chintam Kamalakar Reddy

…Petitioner

and

The Government of Andhra Pradesh, rep. by its
Secretary (Home. Courts),
Hyderabad and others

…Respondents

Order: (Per GR, J)

The petitioner is aggrieved that the category 'Driver' is not a feeder category for the post of Examiner/Field Assistant under the Andhra Pradesh Judicial Ministerial Service Rules, 2003 issued in G.O.Ms.No.129, Law (L.A & Home-Courts-D) Department, dated 12-11-2003.

Admittedly, the statutory rules do not provide for the post of Driver as a feeder category for the post of Field Assistant. Under the 2003 Rules, the post of Field Assistant is to be filled up by direct recruitment or appointment by transfer from the post of Record Assistant in A.P. General Subordinate Services and Attenders in Last Grade Service. The post of Driver figures in the constitution of the A.P. Government Drivers Subordinate Service Rules issued in G.O.Ms.No.168, General Administration Department, dated
1-4-2002. This is a technical post. The qualifications prescribed for the post of Driver on the one hand and for the posts of Field Assistant/Examiners in the A.P.Judicial Ministerial Service on the other, are distinct. Whether the post of a Driver and the qualifications prescribed for the said post is relevant for holding the post of Field Assistant in A.P.Judicial Ministerial Service is a matter of policy choice by the Rule Making Authority and not a matter calling for judicial review under Article 226 of the Constitution of India. The petitioner must seek appropriate remedy by way of a representation to the Rule Making Authority and not by way of writ petition.

The writ petition is dismissed. There shall be no order as to costs.

The petitioner is however at liberty to submit a representation for consideration by the appropriate Rule Making Authority.

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GODA RAGHURAM, J

19th September, 2007

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S. ANANDA REDDY, J

GRR